

CHILD WELFARE SUNSET PROVISIONS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Allen M. Christensen

House Sponsor: _____

LONG TITLE

Committee Note:

The Health and Human Services Interim Committee recommended this bill.

The Child Welfare Legislative Oversight Panel recommended this bill.

General Description:

This bill amends child welfare provisions that are scheduled to sunset in 2019.

Highlighted Provisions:

This bill:

▶ extends the sunset date for the psychotropic medication oversight pilot program until July 1, 2024;

▶ requires the division to report to the Child Welfare Legislative Oversight Panel every other year on the work of the psychotropic medication oversight pilot program; and

▶ extends the sunset date for the child protection unit pilot program until December 31, 2021.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



28 [62A-4a-213](#), as enacted by Laws of Utah 2016, Chapter 231

29 [63I-1-262](#), as last amended by Laws of Utah 2018, Chapters 74, 220, 281, and 347



31 *Be it enacted by the Legislature of the state of Utah:*

32 Section 1. Section **62A-4a-213** is amended to read:

33 **62A-4a-213. Psychotropic medication oversight pilot program.**

34 (1) As used in this section, "psychotropic medication" means medication prescribed to
35 affect or alter thought processes, mood, or behavior, including antipsychotic, antidepressant,
36 anxiolytic, or behavior medication.

37 (2) The division shall, through contract with the Department of Health, establish and
38 operate a psychotropic medication oversight pilot program for children in foster care to ensure
39 that foster children are being prescribed psychotropic medication consistent with their needs.

40 (3) The division shall establish an oversight team to manage the psychotropic
41 medication oversight program, composed of at least the following individuals:

42 (a) an "advanced practice registered nurse," as defined in Subsection [58-31b-102\(14\)](#),
43 employed by the Department of Health; and

44 (b) a child psychiatrist.

45 (4) The oversight team shall monitor foster children:

46 (a) six years old or younger who are being prescribed one or more psychotropic
47 medications; and

48 (b) seven years old or older who are being prescribed two or more psychotropic
49 medications.

50 (5) The oversight team shall, upon request, be given information or records related to
51 the foster child's health care history, including psychotropic medication history and mental and
52 behavioral health history, from:

53 (a) the foster child's current or past caseworker;

54 (b) the foster child; or

55 (c) the foster child's:

56 (i) current or past health care provider;

57 (ii) natural parents; or

58 (iii) foster parents.

- 59 (6) The oversight team may review and monitor the following information about a
60 foster child:
- 61 (a) the foster child's history;
 - 62 (b) the foster child's health care, including psychotropic medication history and mental
63 or behavioral health history;
 - 64 (c) whether there are less invasive treatment options available to meet the foster child's
65 needs;
 - 66 (d) the dosage or dosage range and appropriateness of the foster child's psychotropic
67 medication;
 - 68 (e) the short-term or long-term risks associated with the use of the foster child's
69 psychotropic medication; or
 - 70 (f) the reported benefits of the foster child's psychotropic medication.
- 71 (7) (a) The oversight team may make recommendations to the foster child's health care
72 providers concerning the foster child's psychotropic medication or the foster child's mental or
73 behavioral health.
- 74 (b) The oversight team shall provide the recommendations made in Subsection (7)(a)
75 to the foster child's parent or guardian after discussing the recommendations with the foster
76 child's current health care providers.
- 77 (8) The division may adopt administrative rules in accordance with Title 63G, Chapter
78 3, Utah Administrative Rulemaking Act, necessary to administer this section.
- 79 (9) The division shall report to the Child Welfare Legislative Oversight Panel
80 regarding the psychotropic medication oversight pilot program by October 1 of each even
81 numbered year.

82 Section 2. Section **63I-1-262** is amended to read:

83 **63I-1-262. Repeal dates, Title 62A.**

- 84 (1) Subsections **62A-1-120**(8)(g), (h), and (i) are repealed July 1, 2023.
- 85 (2) Section **62A-3-209** is repealed July 1, 2023.
- 86 (3) Section **62A-4a-202.9** is repealed December 31, [~~2019~~] 2021.
- 87 (4) Section **62A-4a-213** is repealed July 1, [~~2019~~] 2024.
- 88 (5) Section **62A-15-114** is repealed December 31, 2021.
- 89 (6) Subsection **62A-15-1101**(7) is repealed July 1, 2018.

